IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO.919 OF 2003
IN
SUMMARY SUIT NO.1653 OF 2003

Bobcard Limited Plaintiff

versus

Joshi Kiran Hiralal Defendant

Mukesh Parmar i/by V.S.Legal Asso. for plaintiff.

None for defendant.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 3rd August 2005

PC :

1. This Summons for Judgement is taken out by the plaintiffs for claiming amounts under a credit card facility extended to the defendant. The Summons for Judgement was duly served on 17th October 2003 on the advocate appearing for defendant. The advocate has acknowledged the receipt of the same but has failed to file any affidavit in reply. There is no defence to the claim inasmuch as a demand notice was addressed on 4th April 2003 claiming the amount under the said facility from the defendant. The terms and

conditions on which the facility has been extended and the extract of account showing utilisation thereof by the defendant, is annexed to the plaint. Even copy of application which is made by the defendant for availing of the said facility is also annexed.

2. In my view, a summary suit is maintainable for claiming amounts under such facility. There are decisions of this Court to that effect. However, the defendant has not disputed the liability to pay the amounts under this facility. There is no affidavit in reply. Therefore, plaintiffs are entitled to a judgement in their favour.

3. Affidavit proving service of Summons for Judgement taken on record and marked "X" for identification. Original documents along with list marked "X-1" for identification. There will be a decree as prayed. Refund of court fees and computation of advocates costs as per rules. Certified copy of the decree is expedited.

(S.C.DHARMADHIKARI, J.)